

## ARTICLE II. DEFINITIONS

### Sec. 20-200 Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

The word **person** includes a firm, association, organization, partnership, trust, company, or corporation, as well as an individual.

The **present tense** includes the future tense, the singular number includes the plural, and the plural number includes the singular.

The word **shall** is mandatory, the word **may** is permissive.

The words **used** and **occupied** include the words intended, designed or arranged to be used or occupied.

**Abattoir** means a place where cattle, sheep, hogs or other animals, other than poultry, are killed or butchered for market or for sale.

**Accessory Structure** means a supplemental building, structure, or other construction (which may be part of the principal building, structure, or residence), located on the same lot, which is intended to remain in a fixed location on the lot and which is designed, occupied, or devoted to an accessory use. An accessory structure includes all components of the structure placed underground or suspended in the air. A satellite dish is an accessory structure for the purposes of the set back provisions of this Ordinance. Tower (communications tower) as defined in Section 20-1805(1)(h) and the towers and related equipment associated with residential wind energy systems shall not be deemed accessory structures, but shall be subject to the specific requirements of Sections 20-1805 and 20-1804(NN) of this Ordinance. (Amended by adoption April 21, 2011, Sec. 20-200 Accessory Structure)

**Accessory use** means a use normally incidental to, or subordinate to and devoted exclusively to, the main use of the land, structure or building.

**Acreage** means any tract or parcel of land, which has not been subdivided and platted.

**Adult Foster Care Congregate Facility** means an adult foster care facility licensed under PA 218 of 1979 with the approved capacity to receive more than 20 adults to be provided with foster care. (Amended by adoption July 25, 2002)

**Adult Foster Care Family Home** means a private residence licensed under PA 218 of 1979 with the approved capacity to receive six or fewer adults with the requirement the licensee is a member of the household and an occupant of the residence. (Amended by adoption July 25, 2002)

**Adult Foster Care Large Group Home** means a facility licensed under PA 218 of 1979 with the approved capacity to receive at least 13 but not more than 20 adults to be provided with foster care. (Amended by adoption July 25, 2002)

**Adult Foster Care Small Group Home** means a facility licensed under PA 218 of 1979 with the approved capacity to receive twelve or fewer adults to be provided with foster care. (Amended by adoption July 25, 2002)

**Agricultural Tourism Facilities** means commercial facilities are designed to attract visitors through the sale of agricultural byproducts and the sale of gifts, arts and crafts and other similar products. These facilities can also include the provision of agricultural-related activities such as hay rides, sleigh rides and petting zoos. (Amended by adoption September 11, 2003)

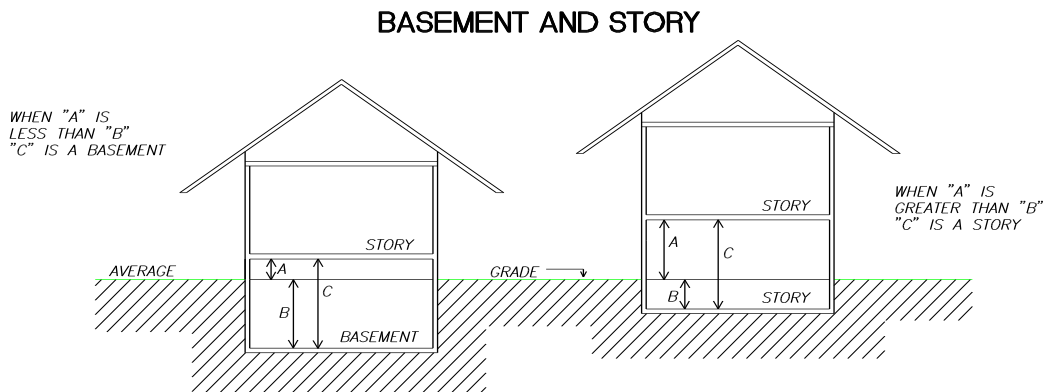
**Alley** means a public thoroughfare, or way, not over thirty (30) feet in width, which affords only secondary means of access to the abutting property.

**Alteration** means any change, addition or modification in construction or type of occupancy; any change in the structural members of a building, such as walls, partitions, columns, beams, girders; any substantial changes in the roof or exterior walls; any change in the location of a building; or any change which may be referred to herein as "altered" or "reconstructed."

**Assisted Living Facility** means a residential facility providing board and/or personal care, but which does not meet the definition of a nursing home, home for the aged or adult foster care. (Added by adoption July 25, 2002)

**Basement or cellar means:**

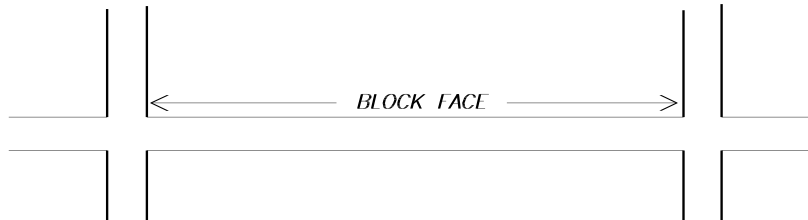
- (1) A cellar or basement is that portion of a structure with not less than three (3) walls thereof, partly below grade and so located so that the vertical distance from the grade to the floor is greater than the vertical distance from the grade to the ceiling.
- (2) A basement or cellar shall be counted as a story for the purpose of height measurement if used for business purposes, dwelling purposes by other than a janitor or his family, or as established by other sections of this chapter.



**Bed and Breakfast** means primarily family dwelling where lodging with or without meals is furnished for compensation, chiefly on an overnight basis and mainly to transients.

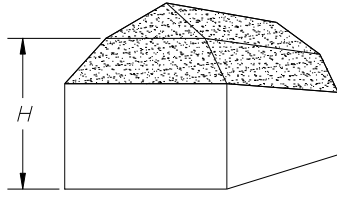
**Block face** means and consists of those properties fronting along an existing right-of-way and located between the intersections and existing streets, or between intersections and dividers such as rivers, railroads, and other similar natural or manmade features.

### ***BLOCK FACE***

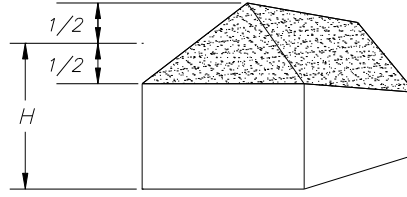


**Building** means any structure, excluding fences, having a roof or walls and build for, or capable of the shelter or enclosure of persons, animals, chattels or property of any kind.

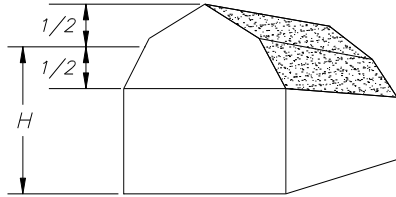
**Building, height of,** means the vertical distance from the grade at the center of the front of the building to the highest point of the roof surface in a flat roof, to the deck line for mansard roofs, and to the mean height level between eaves and ridge for gable, hip and gambrel roofs.



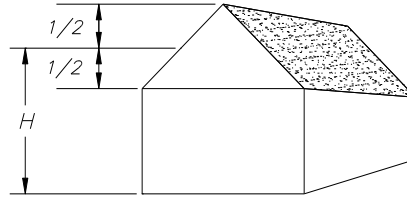
MANSARD ROOF



HIP ROOF



GAMBREL ROOF



GABLE ROOF

*H = HEIGHT OF BUILDING*

## BUILDING HEIGHT

**Building permit** means the written authority issued by the building inspector permitting the construction, excavation, removal, repair, moving, alteration or use of a building in conformity with the provisions of this chapter.

**Cabin** means any structure or tent which is maintained, offered or used for dwelling or sleeping quarters for transients, or for temporary dwelling, but not including that which is commonly designed as hotel, motel, lodging house or tourist home.

**Cabin Park** means any tract or parcel of land on which two (2) or more cabins are maintained, offered or used.

**Car Wash** means a site used for the washing and cleaning of passenger vehicles, recreational vehicles or other light duty equipment. (Amended by adoption September 11, 2003)

**Child Care Center** or day care center means a facility, other than a private residence receiving 1 or more preschool or school-age children for care for periods of less than 24 hours a day, and where the parents or guardians are not immediately available to the child. Child care center or day care center includes a facility that provides care for not less than 2 consecutive weeks, regardless of the number of hours of care per day. (Amended by Adoption September 11, 2008)

**Family day care home** means a private home in which 1 but fewer than 7 minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Family day care home includes a home in which care is given to an unrelated minor child for more than 4 weeks during a calendar year. (Amended by Adoption September 11, 2008)

**Group day care home** means a private home in which more than 6 but not more than 12 minor children are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Group day care home includes a home in which care is given to an unrelated minor child for more than 4 weeks during a calendar year. (Amended by Adoption September 11, 2008)

II. Operation of a child care center, family day care home or group day care home shall require a non-discretionary special use permit as provided in Section 20-180, et seq. of this ordinance. A special use permit shall be issued upon the following conditions:

(A) Family day care home

1. The applicant is the owner or lawful occupant of the property proposed for use as a family day care home.
2. The property is located in an area zoned RSA, RU-1, RU-2, RU-3 or RU-4.
3. The applicant is licensed by the State of Michigan to operate a family day care home.

(B) Child care center

1. The applicant is the owner or lawful occupant of the property proposed for use as a child care center.
2. The property is located in an area zoned C-1 or C-2.
3. The applicant is licensed by the State of Michigan to operate a child care center.

(C) Group day care home

1. The applicant is the owner or lawful occupant of the property proposed for use as a group day care home.
2. The property is located in an area zoned RSA.
3. The applicant is licensed by the State of Michigan to operate a group day care home.

4. The property is located no closer than 1,500 feet to any of the following:
  - a. Another licensed group day-care home..
  - b. Another adult foster care small group home or large group home licensed under the Adult Foster Care Facility Licensing Act..
  - c. A facility offering substance abuse treatment and rehabilitation service to 7 or more people licensed under Article 6 of the Public Health Code..
  - d. A community correction center, resident home, half way house, or other similar facility, which houses an inmate population under the jurisdiction of the Department of Corrections.
5. Has appropriate fencing for the safety of the children in the group day care home as determined by the local unit of government.
6. Maintains the property consistent with the visible characteristics of the neighborhood.
7. Does not exceed 16 hours of operation during a 24-hour period. The local unit of government may limit but not prohibit the operation of a group day-care home between the hours of 10 p.m. and 6 a.m.
8. Meets regulations, if any, governing signs used by a group day-care home to identify itself.
9. Meets regulations, if any, requiring a group day-care home operator to provide off-street parking accommodations for his or her employees.  
(Amended by Adoption September 11, 2008, Sec. 20-200 definitions, II.)

**Church Revival** means a temporary use of property using tents and other temporary structures to conduct open air religious services. (Amended by adoption September 11, 2003)

**Clinic** means a building or group of buildings where human patients are admitted, but not lodged overnight, for examination and treatment by more than one (1) professional, such as a physician, dentist, or the like.

**Club** means an organization of persons for special purposes or for the promulgation of common recreational interests such as hunting, use of recreational vehicles, conservation, etc. (Amended by adoption September 11, 2003)

**Community building** means any public or public utility building.

**Comprehensive plan** means the Flushing Township Master Plan, as adopted by the Township Planning Commission.

**Corral or barnyard** means a pen or enclosure for confining animals or livestock, but not including an area for grazing of such.

**Cul-de-sac** means a street terminated at one (1) end, with a turning radius.

**District** means each part or parts of the unincorporated area of the township for which specific zoning regulations are prescribed.

**Drive-Thru Establishments** means a facility that by design, physical facilities, service or by packaging procedures encourages or permits customers to conveniently make deposits or receive other services, or obtain goods without leaving their motor vehicles, and then proceeding elsewhere. Distinguished from a drive-in establishment by the absence of parking while the service is being provided or brought to the customers. (Amended by adoption September 11, 2003)

## **DWELLINGS**

- (1) **Dwelling, one-family**, means a residential dwelling, other than for temporary use, occupied by one (1) family, and so designed and arranged as to provide lodging, cooking, and sleeping accommodations for one (1) family only.
- (2) **Dwelling, two-family**, means a residential dwelling occupied by but two (2) families and so designed and arranged as to provide living, cooking and sleeping accommodations for two (2) families only.
- (3) **Dwelling, multiple**, means a dwelling other than a one-family or two-family dwelling.

**Dwelling unit** means one (1) room, or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, or rental or lease on a weekly, monthly, or longer basis, and physically independent of any other group of rooms or dwelling units which may be in the same structure, and containing independent cooking and sleeping facilities.

**Single story dwelling** The plan outline of the dwelling, including only heated living area of a single story dwelling shall have a total minimum of 1100 square feet on the ground floor.

**One and one half story dwelling:** The plan outline of the dwelling, including only heated living area of a one and one half-story dwelling shall have a minimum of 900 square feet on the ground floor. The upper floor to have a minimum of 450 square feet, for a total minimum of 1350 square feet.

**Two story dwelling:** The plan outline of a dwelling, including only heated living area of a two story dwelling shall have a minimum of 800 square feet on the ground floor, and a minimum of 800 square feet on the second floor, for a total minimum of 1600 square feet.

**Bi-level dwelling:** The plan outline of a dwelling, including only heated living area of a bi-level dwelling shall have a minimum of 900 square feet on the main level, and 450 square feet on the bi-level in ground area, for a total minimum of 1350 square feet.

**Tri-level dwelling:** The plan outline of a dwelling, including only two main heated living areas of a tri-level dwelling shall have a minimum of 900 square feet on the main level, and 450 on the tri-level for a total of 1350 square feet. One level could be partially in the ground, but not a basement

**Employee load factor** means that number equal to the maximum number of employees that can be employed at any one-(1) time in a particular structure or parcel of land, and refers to the basis upon which the number of parking spaces required is determined.

**Erected** means and includes built, constructed, reconstructed, moved upon or any physical operation on land required for building including, but not limited to, excavating, filling, draining and similar operations.

**Essential services** means the erection, construction, alteration or maintenance by public utilities or municipal departments or commissions, of underground or overhead gas, electrical, steam, or water transmission, or distribution systems, collection, communication, supply or disposal systems, including towers, structures, mains, poles, wires, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, electric substations, gas regulator stations, telephone exchange buildings, and other similar equipment and accessories in connection therewith reasonably necessary for the furnishing of service by such public utilities or municipal department or commissions for the public health or safety or general welfare.

**Family** means any number of persons living together in a room or rooms comprising a single housekeeping unit and related by blood, marriage or adoption, including the domestic employees thereof. Any group of persons not so related but inhabiting a single housekeeping unit shall be considered to constitute one (1) family for each six (6) persons, exclusive of domestic employees, contained in such group.

**Family Day Care Home** means a private home in which not more than six children are received for care and supervision for a period of less than 24 hours per day. The six-child limitation includes children under seven years old in the resident family and shall not include more than two children under one year old.

**Farm** means all of the contiguous, neighboring or associated land operated as a single unit on which bona fide farming is carried on. Provided, however, that land to be used as and considered a farm here under shall include a contiguous parcel of not less than twenty (20) acres in area; provided, further, farms shall be considered as including establishments operated as bona fide greenhouses, nurseries, orchards, chicken hatcheries, poultry farms, and apiaries.

**Farm building** means any structure or building other than a dwelling used or built on a farm.

**Feedlot** means any facility or enclosed area where farm animals are fed and maintained for more than four (4) hours out of twenty-four (24) hours at a density greater than four (4) heads per acre for cattle and horses, ten (10) heads per acre for small animals, or more than thirty (30) fowls per acre.



**Fence** means any partition, structure, gate, obstacle or live hedge erected as a dividing marker, barrier or enclosure.

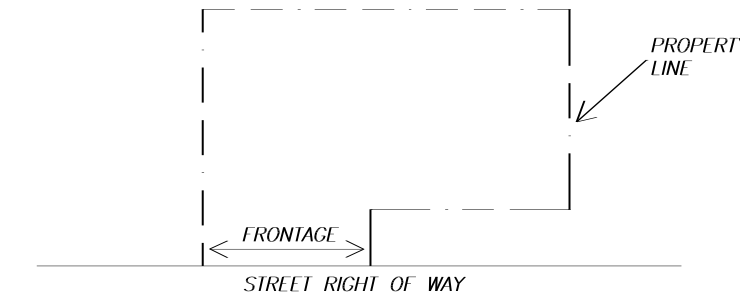
**Floodplain** means lands which are identified as within the 100 year flood boundary (FEMA) on the Township Flood Insurance Rate Map.

**Floor area, residential,** means, for the purpose of computing the minimum allowable floor area in a residential dwelling unit, the sum of the horizontal areas of each story of the building shall be measured from the exterior faces of the exterior walls or from the centerline of walls separating two (2) dwellings. The floor area measurement is exclusive of areas of basements, unfinished attics, attached garages, breezeways, and enclosed and unenclosed porches.

**Floor area, usable,** means that area used for or intended to be used for the sale of merchandise or services, or for use to serve patrons, clients, or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise, hallways, or for utilities or sanitary facilities, shall be excluded from this computation of "usable floor area." Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of the building, measured from the interior faces of the walls.

**Frontage** means all the property fronting on one (1) side of a street between intersecting or intercepting streets, or between a street and right-of-way, waterway, end of dead-end street, or township boundary measured along the street line.

**FRONTAGE**



**Garage, private and public,** means any building for the storage of self-propelled vehicles or trailer coaches where no storage or servicing for hire is conducted is a private garage. A public garage is one, which is not a private garage.

**Garden apartments** mean a residential structure, or group of structures, each of which contain more than four (4) attached one-family dwelling units and share common front and/or rear yards.

**Government Institutions** means buildings that house the offices of municipal, county, state and federal governmental organizations and which may include storage areas, or other non-office areas. (Amended by adoption September 11, 2003)

**Greenhouses, Non-Retail** means a non-retail commercial operation which sells agricultural products grown or produced on the site to buyers located off-site. (Amended by adoption September 11, 2003)

**Greenhouses, Retail** means a commercial retail operation which sells plants and planting material including material not grown or produced on site. (Amended by adoption September 11, 2003)

**Group Day Care Home** means a private home in which not less than seven or more than twelve are received for care and supervision for a period of less than (twenty-four) 24 hours per day. Not more than two children will be under two years old.

**Home for the Aged** means a supervised personal care facility, other than a hotel, adult foster care facility, hospital, nursing home, or county medical care facility, that provides room, board and supervised personal care to 21 or more unrelated, non-transient, individuals 60 years of age or older. Home for the aged includes a supervised personal care facility for 20 or fewer individuals 60 years of age or older, if the facility is operating in conjunction with and as a distinct part of a licensed nursing home. (Added by adoption July 25, 2002)

**Home occupation** means an occupation conducted in a dwelling unit.

**Hospice Facility** means a residential facility licensed under PA 267 of 1996 providing in-patient care for individuals suffering from a terminal disease or condition. (Added by adoption July 25, 2002)

**Hotel** means a building occupied as the more or less temporary abiding place of individuals, who are lodged with or without meals, in which there are more than ten (10) sleeping rooms usually occupied singly and no provisions made for cooking in any individual room or apartment.

**Junk** means any motor vehicles, machinery, appliance, products, or merchandise with parts missing; or scrap metals or other scrap materials that are damaged, deteriorated, or are in a condition which cannot be used for the purpose for which the product was manufactured. "Junk motor vehicles" are further defined and regulated by the traffic and motor vehicles chapter.

**Junkyard** means and includes automobile wrecking yards and salvage areas, and includes any area of more than two hundred (200) square feet for the storage, keeping or abandonment of junk, including scrap metals, other scrap materials or reclaimed materials, or for the dismantling, demolition, or abandonment of automobiles or other vehicles or machinery or parts thereof, but does not include uses established entirely within enclosed buildings. The keeping of more than one (1) dismantled or non-operable motor vehicle shall be deemed to be the maintenance of a junkyard.

**Kennel** means the keeping upon one (1) lot, premises or establishment of more than three (3) dogs or cats (or a combination of dogs or cats) three (3) months old or older, provided however, that this provision shall not apply to a "farm" as defined above.

**Lodge** means a fraternal organization such as the Lions Club, Kiwanis, American Legion, Eagle Clubs, Knights of Columbus, Masonic Temple, Moose Lodge, other lodges or clubs that are engaged in not for profit activities and other groups similar with the above organizations. (Amended by adoption September 11, 2003)

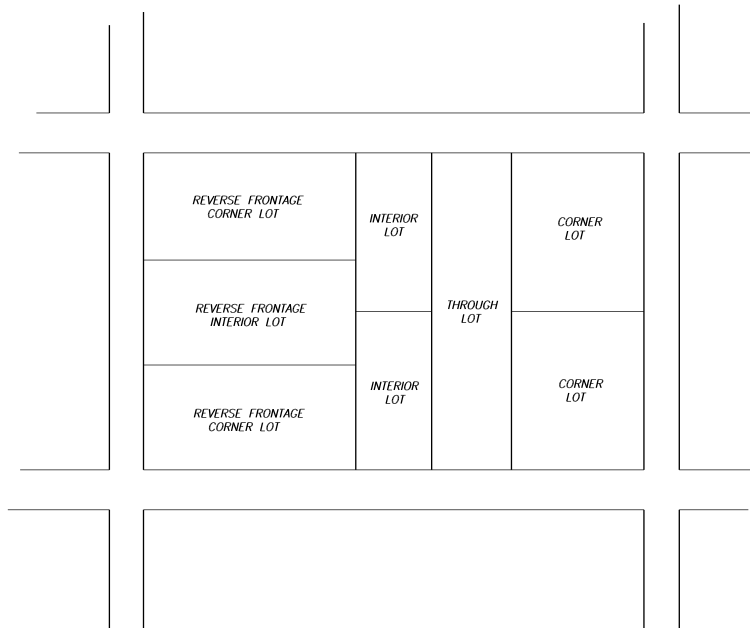
**Loading space, off-street**, means space logically and conveniently located, or bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space in the computation of required off-street parking space.

**Lodging house** means a building, other than a hotel, motel or cabin, where four (4) or more persons other than members of the family are lodged for compensation.

**Lot** means a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage and area, and to provide such yards and other open spaces as herein required. Such lot shall have frontage on an improved public street, or on an approved private street, and may consist of:

- (1) A single lot of record;
- (2) A portion of a lot of record;
- (3) A combination of contiguous lots of record, or contiguous portions of lots of record;
- (4) A parcel of land described by metes and bounds.
- (5) The condominium unit and associated limited common areas in a site condominium development.

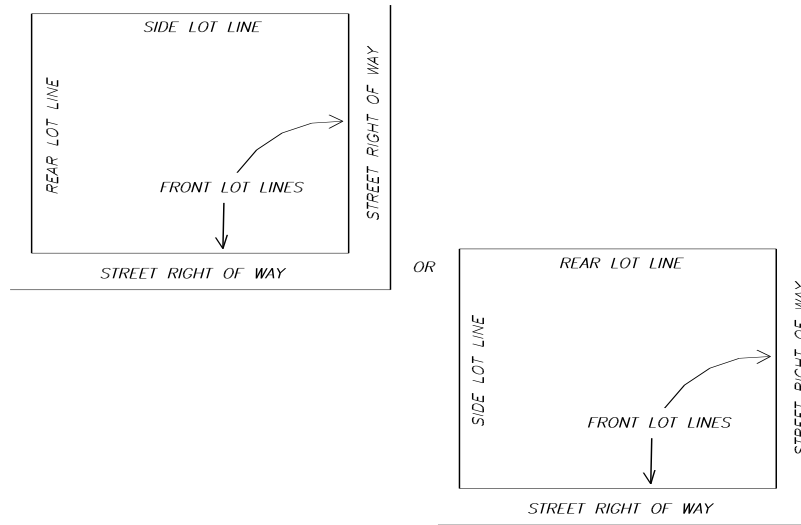
**LOT TYPES**



**Lot area** means the total horizontal area within the lot lines of the lot.

**Lot, corner,** means a lot where the interior angle of two (2) adjacent sides at the intersection of two (2) streets is less than one hundred thirty-five (135) degrees. A lot abutting upon a curved street or streets shall be considered a corner lot for the purpose of this chapter if the arc is of less radius than one hundred fifty (150) feet and the tangents to the curve, at the two (2) points where the lot lines meet the curve or the straight street line extended from an interior angle of less than one hundred thirty-five (135) degrees.

**FRONT, SIDE, AND REAR LOT LINES  
FOR CORNER LOTS**



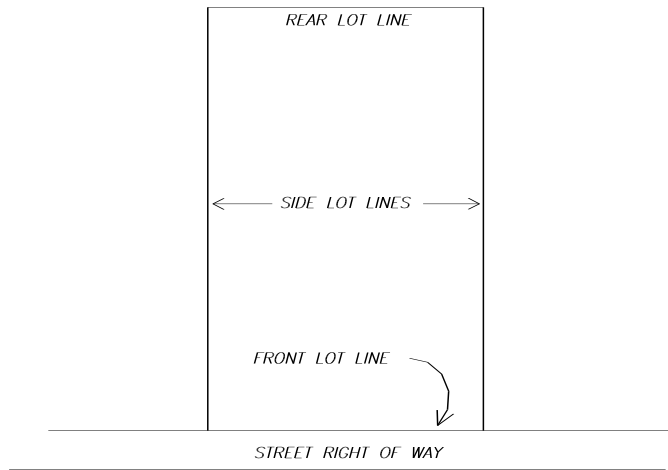
**Lot coverage** means the part or percentage of the lot occupied by a building, including accessory buildings.

**Lot depth** means the horizontal distance between the front and rear lot lines, measured along the median between the side lot lines.

**Lot, front line,** means the line, which divides the lot from the front street line.

**Lot, interior,** means a lot other than a corner lot.

**FRONT, SIDE, AND REAR LOT LINES  
FOR INTERIOR LOTS**



**Lot of record** means one which dimensions are shown on a plat recorded in the office of the county register of deeds or a lot described by metes and bounds descriptions in a recorded deed or other recorded instrument transferring a legal or equitable interest in the title.

**Lot; rear line**, means the opposite lot line from the front lot line except in the case of a corner lot, in which case the rear lot line shall be one of the two lot lines opposite one of the two front lot lines.

**Lot; sideline**, means a lot line other than the front or rear lot line.

**Lot; through**, means any interior lot having frontage on two-(2) more or less parallel streets as distinguished from a corner lot. In the case of a row of double frontage lots, all yards of such lots adjacent to streets shall be considered frontage, and front yard setbacks shall be provided as required.

**Lot width** means the horizontal straight-line distance between the side lot lines, measured between the two (2) points where the front setback line intersects the side lot lines.

**Lot, zoning**, means a single tract of land, located within a single block, which at the time of filing for a building permit is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control. A zoning lot shall satisfy this chapter with respect to area, size, dimensions and frontage as required in the district in which the zoning lot is located. A zoning lot, therefore, may not coincide with a lot of record as filed with the county register of deeds, but may include one (1) or more lots of record.

**Mini Storage Facilities** means a lot that may include both buildings containing separate storage spaces and areas outside of buildings used for storage. (Amended by adoption September 11, 2003)

**Mobile home** means a structure that is transportable in one (1) or more sections, built on a permanent chassis, and designed to be used with or without a permanent foundation when connected to the required utilities. It does not include recreational vehicles or travel trailers.

**Mobile home park** means a park licensed under provisions of Act No. 96 of the Public Acts of Michigan of 1987 (MCL 125.2301 et seq., MSA 19.855(101) et seq.).

**Motel** means a combination or group of two-(2) or more detached or semidetached permanent dwellings occupying a building site integrally owned and used to furnish overnight transient living accommodations.

**Non conforming lot** means a lot with dimensions, which conflict with the provisions of this chapter.

**Non conforming structure** means a structure conflicting with the regulation in the district in which it is located.

**Non conforming use** means the use of land or a structure for, which conflict with the provisions of this chapter.

**Nursing home** means a nursing care facility, including a county medical care facility but excluding a hospital that provides organized nursing care and medical treatment to 7 or more unrelated individuals suffering or recovering from illness, injury or infirmity. (Amended by adoption July 25, 2002)

**Ornamental fence** means a fence, which is decorative in nature, is not sight-obscuring, is not over four (4) feet in height and is constructed of material such as post and rail, split rail, picket or wrought iron.

**Parking space, off-street**, means a space adequate for parking an automobile, with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room, and located on a lot with the land use to which it is related.

**Planned unit development** means an integrated and coordinated development of various residential land uses, with or without retail stores, service stations, drugstores, personal service offices, and restaurants, but excluding any manufacturing or wholesale activity, and developed in accordance with the conditions as prescribed under provisions of this chapter.

**Ponds** mean a natural or manmade body of water used to provide water for livestock, fish and wildlife, recreation, fire control, crop and orchard spraying and irrigation and other related uses for the personal use of the property owner and/or tenants.

**Private Landing Strips** means a private transportation facility, closed to the public, to accommodate the take-off and landing of aircraft. The runway is made of sod and not paved with any type of material. (Amended by adoption September 11, 2003)

**Public utility** means any person, municipal department or board, duly authorized under state or municipal regulation to furnish, and furnishing, transportation, water, gas, electricity, telephone, steam, telegraph or sewage disposal, and other services to the public.

**Recreational vehicle** means a vehicular type unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. The basic entities are: travel trailer, camping trailer, truck camper and motor home.

**Recreational vehicle park or campground** means a tract of land upon which two (2) or more recreational vehicle sites or campsites are located, established or maintained for occupancy by recreational vehicles or vacation campers of the general public as temporary living quarters for recreation or vacation purposes.

**Recreational vehicle site or campground** site means a plot of ground within a recreational park or campground, or other individual camping area for use on a temporary basis.

**Rental Establishments** means businesses involved in the rental of equipment and goods which can be displayed in a fully enclosed building or outdoors. (Amended by adoption September 11, 2003)

**Residential driveway** means a means of access for a single-family dwelling to a public road.

**Residential private road** means a means of access for more than a single-family dwelling to a public road.

**Retail Establishments, Large** means a retail establishment that generally services a regional market and is primarily involved in purchase and resale of goods. Services may be rendered incidental to the sale of such goods at the retail establishment. There may be processing or manufacturing of products incidental or subordinate to the selling activities but not on the scale of an establishment solely involved in manufacturing (see manufacturing definitions in this Article). Examples include: furniture stores, building supply establishments with outdoor storage and other large retail establishments over twenty five thousand (25,000) square feet. (Amended by adoption September 11, 2003)

**Roadside stand** means a structure used solely by the owner, manager, or tenant of the land on which it is located for the sale of produce grown on such land, and provided that adequate off-street parking shall be provided and that customers will not be permitted to stand or park on the public right-of-way.

**Sanitary landfill** means any parcel of land used for the dumping of refuse for the purpose of disposing of such refuse, and operated in accordance with Act No. 641 of the Public Acts of Michigan of 1978 (MCL 299.401 et seq., MSA 13.29(1) et seq.), as amended.

**Senior Housing** means residential facilities providing housing oriented for individuals over the age of 55 which may include recreation, travel and other activities

but where the residents live independently with regards to cooking and general daily activities. Examples include senior apartments and retirement communities. (Added by adoption July 25, 2002)

**Service station** means buildings and premises where gasoline, oil, grease, batteries, tires and automobile accessories may be supplied and dispensed at retail. Uses permissible at a service station do not include major mechanical and body work, straightening of body parts, painting, welding which is more than incidental to work permitted, storage of automobiles not in operating condition, or other work involving noise, glare, fumes, smoke, or other characteristics to an extent greater than normally found in service stations. A service station is not a repair garage or a body shop. Minor services may be rendered and sales made such as, by way of example, the following:

- (1) Sale and servicing of spark plugs, batteries, and distributors and distributor parts.
- (2) Tire servicing and repair, but not recapping or regrooving.
- (3) Replacement of mufflers and tailpipes, water hoses, fan belts, brake fluid, light bulbs, fuses, floor mats, seat covers, windshield wipers and wiper blades, grease retainers, wheel bearings, mirrors, and the like.
- (4) Radiator cleaning and flushing.
- (5) Washing and polishing, and sale of automotive washing and polishing materials.
- (6) Greasing and lubrication.
- (7) Replacing or repairing of carburetors, fuel pumps, oil pumps, and lines.
- (8) Minor motor adjustments not involving removal of the head or crankcase or racing the motor.
- (9) Adjusting and repairing brakes.
- (10) Sale of cold drinks, packaged foods, tobacco, and similar convenience goods for service station customers, as accessory and incidental to principal operation.
- (11) Provision of road maps and other informational material to customers; provision of rest room facilities.

**Setback** means the distance from the centerline or right-of-way lines of streets to the building line for the purpose of defining limits within which no building or structure, or any part thereof, shall be erected or permanently maintained.

**Shopping center** means a group or groups of three (3) or more commercial establishments developed in accordance to an overall plan and design and built as an interrelated project.



**Sign** means any device designed to inform or attract the attention of persons not on the premises on which the sign is located; excepting however, the following, which shall not be included within this definition:

- (1) Signs not exceeding two (2) square feet in area and bearing only property numbers, post box numbers, names of occupants of premises, or other identification of premises not having commercial connotations.
- (2) Flags and insignia of any government, except when displayed in connection with commercial promotion.
- (3) Legal notices, identification, informational or directional signs erected or required by governmental bodies.
- (4) Integral decorative or architectural features of buildings, except letters, trademarks, moving parts, or moving lights.
- (5) Signs directing and guiding traffic and parking on private property, but bearing no advertising matter.

**Sign area** means the area of a sign consisting of the entire surface of any regular geometric form, or combinations of regular geometric forms, comprising all of the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not bearing advertising matter shall not be included in computation of such area.

**Sign, off-site**, means a sign other than an on-site sign.

**Sign, on-site**, means a sign relating in its subject matter to the premises on which it is located, or to products, accommodations, services, or activities on the premises.

**Site Condominium** - The division of land into separate building sites under the authority of the Condominium Act, PA 58 of 1978.

**Site plan** means those drawings and documents described in Section 20-1902.

**Site plan review** means that procedure authorized and described in Section 20-1903.

**Special Use** means a use that owing to some special characteristics related to its operation or is permitted in a district subject to review and special requirements that are different from the usual requirements for the zoning district the special use may be located.

**Special Use, Discretionary** - A special use which involves the review of subjective criteria for approval that require judgment on the part of an administrative body in determining compliance with the ordinance.

**Special Use, Non-Discretionary** - A special use, which involves the review of objective criteria and does not require the use of subjective measures in determining compliance with the ordinance.

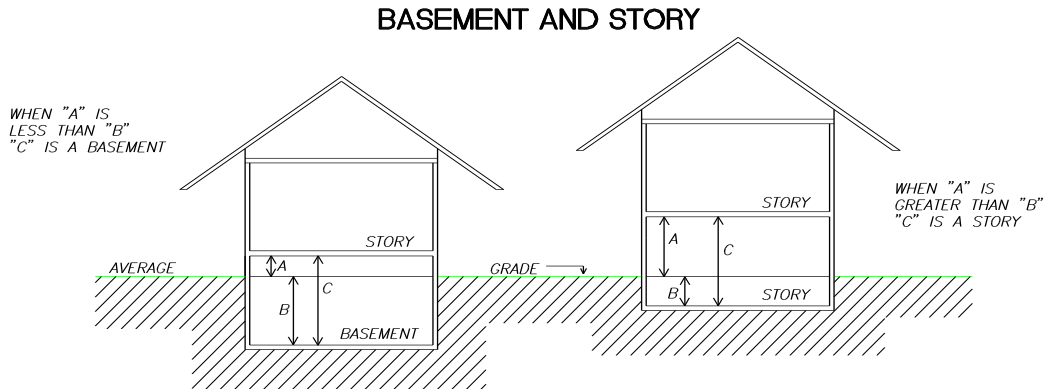
**Special Use Permit** means an authorization by the applicable person or administrative body to use a particular parcel of land and/or structure for a particular special use.

**Stable, private**, means a stable where horses are kept only for private use and not for hire or sale, but this shall not prevent the owner of such horses from making an occasional purchase or sale for his own use so long as he shall not be engaged in the business of buying and selling horses nor in the business of hiring or renting horses to others.

**Stable, public**, means a stable in which horses are kept for hire or sale or a farm upon which horses are regularly raised and bred. The keeping of more than two (2) horses owned or regularly used by persons not residents upon the land shall constitute a public stable.

**Standard sheet** means a sheet of paper with dimensions of eight and one-half (8 1/2) inches in width and eleven (11) inches in length.

**Story** means that part of a building included between the surface of any floor and the surface of the floor, or roof, next above. When the distance from the average established grade to the ceiling of a story partly below such grade exceeds five (5) feet, then the basement or cellar constituting the story partially below grade shall be counted as a story.



**Story, half**, means a story which is situated within a sloping roof, the area of which at a height four (4) feet above the floor does not exceed two-thirds of the floor area directly below it.

**Street** means a public thoroughfare, which affords a principal means of access to abutting property.

**Structure** means anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among these things, structures include buildings, mobile homes, walls, fences, billboards and poster panels.

**Subacute Care Facility** means a state licensed nursing facility providing transitional care to individuals no longer requiring hospitalization but unable to live independently. (Added by adoption July 25, 2002)

## **TOWERS AND ANTENNAS**

**Tower** means any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structure and the like. The term includes the structure and any support thereto.

**Alternative tower structure** means man-made trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

**Antenna** means any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.

**Backhaul network** means the lines that connect a provider's towers/cell sites to one or more cellular telephone switching offices, and/or long distance providers, or the public switched telephone network.

**FAA** means the Federal Aviation Administration.

**FCC** means the Federal Communications Commission.

**Height** means, when referring to a tower or other structure, the distance measured from the finished grade of the parcel to the highest point on the tower or other structure, including the base pad and any antenna.

**Preexisting towers and preexisting antennas** means any tower or antenna for which a building permit has been issued or a Use After Special Approval has been properly granted prior to the effective date of this ordinance, including permitted towers or antennas that have not yet been constructed so long as such approval is current and not expired.

**Townhouse** means a residential structure consisting of no more than four (4) single-family attached dwelling units, each individually owned, non communicating and attached by partly walls; each unit shall have separate front and rear entrance and have separate sewer, water and other utilities.

**Township** means the Township of Flushing, Genesee County, Michigan.

**Township Board** means the Board of Trustees of the Township of Flushing, Genesee County, Michigan.

**Township Planning Commission** means the Flushing Township Planning Commission as established by the Township Board under provisions of the Township Planning Commission Act, being Act No. 168 of the Public Acts of Michigan of 1959 (MCL 125.271 et seq., MSA 5.2963(101) et seq.), as amended, and referred to alternatively as the commission.

**Travel trailer** means a vehicular portable structure built on a chassis, designed to be used as temporary dwelling for travel and recreational purposes, having a body width not exceeding eight (8) feet and a length not to exceed thirty-five (35) feet.

**Travel trailer park** means a park licensed under the provisions of MCL 333.12501 et seq., MSA 14.15(12501), and being designed specifically to permit the parking of travel trailers.

**Use** means the purpose of which land, structure, or building hereon is designed, arranged, or intended to be occupied for, or used for, or for which it is occupied or maintained.

**Variance** means a modification of the literal provisions of the zoning ordinance granted when strict enforcement of the zoning ordinance would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted.

**Yard** means a required open space.

**Yard, front,** means a yard extending between side lot lines across the front of a lot and adjoining a public street. In the case of a corner lot, both yards fronting on a public street shall be front yards. If a dwelling unit is located on a lot, the front yard shall be the portion of the lot extending between the side lot lines and between the public street and a line drawn parallel with the public street which touches the part of the dwelling which is closest to the public street. (Amended by adoption April 21, 2011, Sec. 20-200 Yard, front)

**Yard, rear,** means a yard extending across the rear of the lot between the inner side yard lines. In the case of through lots there will be no rear yards, but only front and side yards. In the case of corner lots, one yard opposite the two front yards shall be a rear yard and the other yard a side yard.

**Yard, side,** means a yard extending from the rear line of the required front yard and being between the principal structure and side lot line to the rear yard or, in the absence of any clearly defined rear yard, to the point of the lot farthest from the intersection of the lot line involved with the public street.

**Zoning Board of Appeals** means the board as provided under provisions of the Township Rural Zoning Act, being Act No. 184 of the Public Acts of Michigan of 1943 (MCL 125.271 et seq., MSA 5.2963 et seq.), as amended by Act No. 637 of the Public

Acts of Michigan of 1978 (MCL 125.271 et seq., MSA 5.2963et seq.), and as further amended, with powers and duties as defined in those statutes, except as modified herein, and referred to alternatively as the board, consisting of five (5) members.